

Message Text

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12

ACTION L-02

INFO OCT-01 EA-10 ISO-00 SIL-01 LAB-04 EB-07 COME-00

TRSE-00 RSC-01 /026 W

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R 170555Z JAN 75

FM AMCONSUL MELBOURNE

TO SECSTATE WASHDC 2555

INFO AMEMBASSY CANBERRA

CINCPAC

AMCONSUL SYDNEY

UNCLAS MELBOURNE 0065

CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: ELAB, AS

SUBJECT: REQUEST FOR INFORMATION TO ASSIST FEDERAL JUDICIAL
INQUIRY

1. IN CONNECTION WITH A CONFLICT BETWEEN SEAMENS UNION AND FOREIGN SHIPPERS, THE FEDERAL GOVERNMENT HAS CREATED A COMMISSION OF INQUIRY HEADED BY FEDERAL JUSTICE SWEENEY. JUSTICE SWEENEY URGENTLY NEEDS INFORMATION RELATING TO KEY POINT RAISED BY COUNSEL IN HEARINGS WHICH HE IS NOW CONDUCTING. COUNSEL HAVE CITED SECTION 26 OF THE UNITED STATES MERCHANT MARINE ACT OF 1920 (JONES ACT) WHICH APPARENTLY PROHIBITS FOREIGN FLAG VESSELS ENGAGING IN INTERSTATE COMMERCE BETWEEN ANY PORTS WITHIN THE U.S. THE SAME SECTION APPARENTLY VESTS AUTHORITY IN THE SECRETARY OF THE TREASURY ON REQUEST FROM THE SECRETARY OF STATE TO GRANT A PERMIT FOR SUCH INTERSTATE TRANSPORT.

2. IT IS CLAIMED BEFORE MR. JUSTICE SWEENEY THAT THIS REGULATION IS STRICTLY ENFORCED AND THAT IN THE LAST 54 YEARS THERE HAS BEEN ONLY ONE EXCEPTION WHICH WAS RECENTLY MADE. NEITHER MR. SWEENEY NOR CONFLICTING COUNSEL HAVE AN ACCURATE CITATION OF THIS CASE.

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EM ON BEHALF OF JUSTICE SWEENEY LABATT MAKES URGENT REQUEST

FOR CITATION AND PRECIS OF CASE IF INDEED SUCH EXCEPTION HAS BEEN MADE. IN THE EVENT THAT BASIC INFORMATION HERE IS INCORRECT AND IN FACT EXCEPTIONS HAVE FREQUENTLY BEEN MADE LABATT FURTHER REQUESTS SOME MINIMAL STATISTICS ON NUMBER OF EXCEPTIONS GRANTED ON A YEAR BY YEAR BASIS.

4. COMMENT: SITUATION WAS BROUGHT ABOUT WHEN SEAMENS UNION WAS ACCUSED OF ACTING AS PERMISSIVE AUTHORITY FOR SUCH TRAFFIC AFFECTING FOREIGN VESSELS ENGAGED IN AUSTRALIAN INTERSTATE COMMERCE. IT IS FURTHER ALLEGED THAT SEAMENS UNION LEVIED A FEE ON SUCH COMPANIES CONSISTING OF A DIFFERENTIAL BETWEEN FOREIGN SEAMENS WAGES AND PREVAILING SEAMENS WAGE RATES IN AUSTRALIA. IT IS FINALLY ALLEGED THAT SEAMENS UNION HAS PLACED SUCH MONIES IN A FUND WHICH IT EXPENDS FOR POLITICAL PURPOSES INSTEAD OF PAYING THE MONEY TO FOREIGN SEAMEN ON WHOSE BEHALF IT WAS RAISED. PUBLIC OUTCRY AT EXPOSURE OF SUCH PRACTICE LED TO ESTABLISHMENT OF SWEENEY COMMISSION. SINCE JUSTICE SWEENEY IS SEEKING TO RENDER FULL BUT QUICK REPORT, LABATT WOULD APPRECIATE REPLY AS QUICKLY AS POSSIBLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MELBOU00065
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750018-0589
From: MELBOURNE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750142/aaaablei.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 02 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 MAY 2003 by SilvaL0>; APPROVED <25 Nov 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR INFORMATION TO ASSIST FEDERAL JUDICIAL INQUIRY
TAGS: AINF, AS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006